

MRP MOTOR VEHICLE FLEET MANAGEMENT MANUAL

CHAPTER 1

OFFICIAL USE OF MRP MOTOR VEHICLES

1. PURPOSE

This chapter describes the requirements and procedures for using MRP-owned or leased motor vehicles in the United States and its territories.

2. OFFICIAL USE

- a. Official use means the use of MRP-owned or leased motor vehicles, General Services Administration (GSA) owned or leased motor vehicles, or employee or agency-leased motor vehicles for the purpose of transporting U.S. Government employees, contractors, cooperators, and private citizens and/or things directly related to the MRP mission.
- b. MRP vehicles may only be used for the following official purposes:
 - (1) To travel to a location(s) other than an employee's place of employment in the course of the employee's normal home-to-work commute in the performance of official duties. The use of Government vehicles between an employee's residence and his/her place of employment will be limited to employees engaged in field work. The Secretary has determined that the job series listed in Appendix A are authorized home-to-work transportation when actually performing field work and then only to the extent that such transportation will substantially increase the efficiency and economy of the Government. If circumstances require that field work only be performed on an intermittent basis, the agency must establish procedures to ensure that the Government vehicle is used only when field work is being performed.
 - (2) When use is in response to a highly unusual circumstance which presents a clear and present danger, when emergencies exist, or when other compelling operational considerations make such transportation essential to the conduct of official business.
 - (3) By employees in travel status.
 - (4) By cooperators when the Cooperative Agreement specifically authorizes use.

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3. WHO MAY OPERATE GOVERNMENT MOTOR VEHICLES

ONLY MRP employees, other Federal/State Government employees, cooperators, contractors, or individuals who conduct official business in support of the MRP mission may operate a Government-owned or leased vehicle (GOV). Operators must possess a valid State motor vehicle operator's license.

4. WHO MAY RIDE IN GOVERNMENT MOTOR VEHICLES

Only persons who are traveling for the benefit of the Government may ride in Government vehicles. Their business must be specifically related to the MRP mission. Exceptions on who may ride will be made on a case-by-case basis by supervisors, considering:

- a. The impact on the MRP mission, and
- b. The ability to justify the action should there be a complaint or accident.

Transporting children and mentored students in Agency-owned or leased vehicles during MRP sponsored activities is not allowed.

5. SMOKING IN GOVERNMENT MOTOR VEHICLES

Smoking is **NOT ALLOWED** in GOVs; this includes GSA-leased vehicles.

6. WEAPONS

Weapons are **NOT ALLOWED** in GOVs unless authorized by the Government for the purpose of carrying out official duties. Use and possession of firearms must be in accordance with all Federal, State and local laws and regulations. MRP employees are charged with the responsibility of becoming familiar with the laws of the states and localities where they work and travel. MRP provided and privately owned firearms used for Agency purposes will be transported in an unloaded condition and in a discrete manner that will not attract undue attention nor be in violation of concealed weapons laws. If a weapon must be stored in an MRP vehicle it will be secured by placing it out of sight as permitted by the State and the vehicle properly locked.

7. PENALTIES FOR UNAUTHORIZED USE

Persons who use GOVs without authorization or for purposes other than official business may have their authority to operate the vehicles temporarily or permanently withdrawn. The operator and the individual authorizing the non-official use may be subject to suspension from duty without pay for 30 days, or removal from Federal Service, if warranted. Any

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knowledge of misuse of vehicles must be reported immediately to the Vehicle Accountable Officer (VAO). The VAO is responsible for investigating any reports of vehicle misuse.

8. USE OF GOVERNMENT-OWNED/LEASED VEHICLES

- a. The use of GOVs is restricted to official purposes, except to stop and eat lunch when traveling from one duty point to another. Breakfast and dinner are authorized only when the employee is working overtime. Operators must always be aware of the public's perception of how the vehicles are being used and should eat in appropriate dining facilities.
- b. Operators may not use GOVs as transportation to breakfast, lunch, or dinner when working in an office. Personal transportation must be used, unless used in conjunction with official travel to perform temporary duty assignments away from a designated or regular place of employment.
- c. The use of GOVs for doctor's appointments, personal shopping, and picking up children or spouses from school or work is **NOT ALLOWED**.
- d. MRP employees must obey all State and local laws pertaining to the use or prohibition from use of any wireless telephone equipment. MRP employees are prohibited from using hand-held wireless phones while driving an owned or leased Government vehicle. The driver must pull safely to the side of the road or a parking area then initiate the call. Even the use of "hands free" equipment is strongly discouraged.
- e. USDA employees are to always use caution and expertise while operating a motor vehicle owned or leased by the Federal Government. When it is necessary to operate a motor vehicle for extended periods of time, drivers are strongly encouraged to take at least a 15 minute break after each three hours of driving time, or more often, if the driver feels it will enhance his or her safe operation of the vehicle.

9. USE OF PRIVATELY OWNED VEHICLES

- a. In some instances it is more advantageous to the Government for employees to use privately owned vehicles (POV) for official purposes. Use of POVs is considered an alternative to low mileage GOVs.
- b. Employees must sign a yearly commitment indicating the use of the POV, using MRP Form 73-R, Commitment To Use Privately Owned Vehicle (POV), or MRP Form 73-1R, High Mileage Driver Commitment.
- c. MRP Form 73-R and MRP Form 73-1R must be approved by the immediate supervisor and kept on file documenting approval.

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- d. When an employee elects to use a POV for the purpose of official travel, the AD 202, Travel Authorization, must indicate the use of the POV.
- e. When employees use a POV on a regular basis, they are required to report such use to their personal insurance carrier. The company may require a rider on their policy. Employees whose POVs are damaged while engaged in official travel should seek reimbursement for the loss from their personal vehicle insurance company. The USDA policy regarding the payment of claims under the Military Personnel and Civilian Employees Claims Act allows the recovery of the deductible amount in an employee's personal vehicle insurance policy only "in instances where the loss or damage to property of the employee was caused by extraordinary risks such as a civil disturbance, common or natural disaster, or efforts to save human life or Government property." Refer to MRP Directive 2301.1, MRP Supplement to the Agriculture Travel Regulations, for reimbursement entitlements.

10. STORAGE OF VEHICLES

Government vehicles must be parked in an off-street, secured facility at the duty station. In the event secure parking is not available at the duty station, a secure storage facility accessible to the duty station will be used.

- a. When a Government parking facility is not available, use off-street or street parking near the duty station if:
 - (1) The vehicle does not contain visible equipment or items susceptible to theft,
 - (2) Parking is customary in the vicinity, and
 - (3) Reasonable protection of the vehicle and its contents is provided.
- b. Be sure to lock the vehicle and obey local parking ordinances.
- c. Use commercial lots or garages that are convenient to the duty station if available.

11. SCOPE OF EMPLOYMENT

- a. Generally, Government employees are protected from any action brought against them pursuant to the Federal Tort Claims Act based on their alleged negligence while performing official duties. This protection arises when the employee is deemed to be "within the scope" of his or her employment.
- b. When an employee is sued either in State or Federal court as a result of alleged negligence occurring while performing official duties or any actions reasonably

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incidental or related to his/her duties, then the agency makes a recommendation to the Office of the General Counsel (OGC) that the employee was within the scope of employment at the time the alleged negligence occurred. OGC reviews such a determination and passes the recommendation along to the Assistant United States Attorney (AUSA) handling the case in court. At that point the AUSA will motion the court to dismiss the employee from the lawsuit and substitute the United States as the proper party.

- c. Whether an employee was within the scope of employment is a legal determination reviewable by a court. The applicable law will be either that of the State where the alleged negligent act occurred or federal law, depending where the suit was filed.
- d. The basic principles of scope of employment do not differ greatly from jurisdiction to jurisdiction. Therefore, it is safe to assert that any use of a GOV, or authorized use of a POV for official Government business, which is reasonably incidental to the performance of the employee's duties is within the scope of employment. Any resulting negligent act while acting within the scope of employment will not result in personal liability to the employee.